



2026:AHC:128901

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21426 of 2026

Makhan Lal Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Achyut Jee, Ashok Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Achyut Jee, learned counsel for the applicant and Sri Ratan Lal, learned AGA for the State as also perused the material placed on record.
2. The instant bail application has been filed on behalf of the applicant - Makhan Lal Gupta, with a prayer to release him on bail in Case Crime No. 009 of 2026 Under Sections-318(4), 319(2), 336(3), 340(2), 3(5) B.N.S. and 66D Informant Technology (Amendment) Act, 2008, Police Station-Cyber Crime Deoria, District Deoria, during pendency of trial.
3. Learned counsel for the applicant has submitted that a first information report stood lodged by the first informant against the applicant under the above noted sections with an allegation that the applicant happens to be a director of a company being Lexiroof Software Solution Private Limited registered under GST registration, however, the applicant happens to be a director who by deceitful mean, violated the conditions of the RBI guidelines and opened a mule account and diverted the money in this regard. Learned counsel for the applicant submits that the applicant is a director and there is no question of fleeing from the place of incident or country. Further submission is that on 02/04/2026 before lodging of the first information report, the applicant was arrested and thereafter FIR was registered. It is also contended that there has been virtually non-compliance of the provisions contained under Section 35 (3) of the BNSS which is corresponding section of Section 41 and 41-A of the CrPC. Reliance has been placed upon the judgement in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another; 2026 INSC 15***. Learned counsel for the

applicant submitted that the applicant does not possess criminal history and he is languishing in jail since 03/04/2026. He further submits that one of the co-accused, Sonu Jaiswal who was absconding, had approached this Court while filing Criminal Misc. Writ Petition No. 11535 of 2026 in which protection has been recorded on 18/06/2026. Learned counsel for the applicant further as per the instruction submits that the applicant shall appear before the concerned police station on the first Monday of each month.

4. Learned AGA on the other hand submits that the applicant has committed offence and cognizable offences has been made out and he could not dispute the fact that the applicant has explained the criminal history and the offences are 7 years or below 7 years.

5. Bearing in mind the aforesaid factual situation, *prima facie* a case of bail is made out. Particularly, when criminal history has been explained and applicant is in jail since 03/04/2026.

6. In view of the above, without expressing any opinion on the final merits of the case, let the applicant- Makhan Lal Gupta involved in the aforesaid crime be released on bail, on his furnishing a personal bond and two heavy sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressuring the witness, during the investigation or trial.

(ii) The applicant shall cooperate in the investigation/trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall appear before the concerned police station on the first Monday of each month.

7. In case, of breach of any of the above conditions, the bail being granted shall be cancelled.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that, in the event of violation of any terms and conditions

of the bail order or in the event of any attempt being made by the applicant to intimidate the witness or to tamper the evidence, the informant shall be at liberty to file a bail cancellation application supported by the relevant material, that application if filed, may be taken up on priority.

June 24, 2026

Ashu

(Vikas Budhwar,J.)